

REMARKS

In the Office Action mailed on January 12, 2005, claims 1-45 were rejected. Claims 1-45 are now pending in the application. In view of the remarks and amendments, Applicant respectfully requests reconsideration of the application.

Examiner objected to Claims 1, 15, and 28 for an improper preamble. Applicant amended the preamble for Claims 1, 15, and 28 to correct the informality.

Examiner rejected Claims 33-44 under U.S.C. § 101 as being directed to non-statutory subject matter. Applicant amended Claims 33 and 39 to recite "A computer implemented method".

Claims 1-45 were rejected under U.S.C. § 103(a) as being unpatentable over US Patent Application 2003/0005433 A1 (hereinafter referred to as Janik) in view of US Patent Application 2004/0171377 A1 (hereinafter referred to as Engstrom). Applicant respectfully disagrees.

Claims 1, 15, 28, 33, 39, and 45 recite, in part, the limitations of:

a search request corresponding to a marked data and
said marked data indicates a time and said marked
data represents content that is broadcasted at said
time

The Engstrom reference teaches a system for finding, playing, and recording broadcasts on a mobile device that includes two tuners. The user can provide specific preferences or a pattern of use is employed by the mobile device to identify the broadcast. (Engstrom, Abstract) Further, the Engstrom reference

teaches obtaining the user preferences such as identifying a broadcast by station call letters, key words, frequency of the broadcast, Internet address, artist, song title, genre, or the like. (Engstrom, paragraph [0059]) Further, the Engstrom reference also teaches searching for a broadcast by scanning a spectrum of known frequencies based on the user preferences such as identifying a broadcast by station call letters, key words, frequency of the broadcast, Internet address, artist, song title, genre, or the like. (Engstrom, paragraph [0060])

In marked contrast to the Engstrom reference, independent Claims 1, 15, 28, 33, 39, and 45 utilize a search request with the marked data wherein the marked data indicates a time and the marked data represents content that is broadcasted at said time. Instead, the Engstrom reference teaches searching for the broadcast based on user preferences such as identifying a broadcast by station call letters, key words, frequency of the broadcast, Internet address, artist, song title, genre, or the like. In marked contrast, the search request as recited in , independent Claims 1, 15, 28, 33, 39, and 45 utilize the marked data which indicates a time. Further, the Engstrom reference fails to teach searching for a broadcast based on a specific time.

Therefore, Engstrom reference either singly or in combination with the Janik references fails to anticipate Claims 1,15, 28, 33, 39, and 45. Thus, independent Claims 1, 15, 28, 33, 39, and 45 are in condition for allowance. In addition, Claims 2-14 depend directly or indirectly on Claim 1 and therefore, are patentable for at least the same reasons discussed above. Claims 16-27 depend directly or indirectly on Claim 15 and therefore, are patentable for at least the same reasons discussed above. Claims 29-32 depend directly or indirectly on Claim 28 and therefore, are patentable for at least the same reasons discussed above. Claims 34-38 depend directly or indirectly on Claim 33 and therefore, are patentable for at least the same reasons discussed above. Claims 40-44 depend directly or

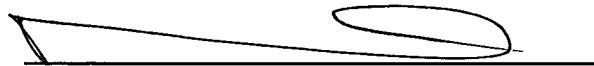
indirectly on Claim 39 and therefore, are patentable for at least the same reasons discussed above.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

Respectfully submitted,

Dated: 4/1/05


Richard H. Butler
Registration No. 40,932

Please Send Correspondence to:
Valley Oak Law
5655 Silver Creek Valley Road
#106
San Jose, CA 95138
(408)223-9763